IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.5384 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Ms.Leena Nagarkar with Mr. S.A. Sawant,
for the Petitioner
Mr. C.R. Sonawane, AGP for Respondents

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD, JJ.
DATED : 9TH SEPTEMBER, 2005
P.C.

. The challenge by the petitioner to her termination was earlier rejected by MAT by order dated 1st April, 1999 as the appointment was on ad hoc basis. The petitioner thereafter filed a petition before this Court being Writ Petition No.1675 of 2000 which came to be disposed of by order of this Court dated 18th August, 2000. By that order the respondents were directed to continue the petitioner as an ad hoc candidate till regularly selected candidate is available. Statement of the Respondent made by learned A.G.P. was accepted that the petitioner's case will be considered by the District Selection Committee while filling up the post. 2. The Respondents have now filled in the post on compassionate basis. The petitioner is not eligible for

appointment on compassionate basis. The candidate so appointed is on regular basis and consequently the petitioner has no right to continue in the post as a candidate is now available.

3. However, considering the earlier statement made on behalf of the respondents and accepted by this Court it will be open to the petitioner to apply against a vacancy which may be available and it is for the respondents to consider the case of the petitioner for selection against such post either pursuant to the list forwarded by the Employment Exchange or if there be an advertisement if the petitioner applies pursuant to the said advertisement.

4. With the above direction, petition stands disposed of. No order as to costs

(F.I. REBELLO, J.)

(DR. D.Y.CHANDRACHUD, J)